



County of Fresno

Department of Public Health

Edward L. Moreno, M.D., M.P.H., Director-Health Officer

July 20, 2011

John R. Thompson
(jthompson@co.fresno.ca.us)
County of Fresno, Department of Public Works and Planning
Resources Division
2220 Tulare Street, 6th Floor
Fresno, California 93721

FA0168785
PR0030443
PE 4430
INSP

Dear Mr. Thompson:

Subject: Notice & Order Extension
Site: American Avenue Landfill
18950 West American Avenue
Kerman, California
SWIS#: 10-AA-0009

Our office has received and reviewed your request for a one-year extension beyond the two-year Notice and Order 2010-01 Compliance Date of October 13, 2012 for American Avenue Landfill.

The Notice and Order was issued in response to a violation of Title 27 CCR §20921 Gas Monitoring and Control: (a) To provide for the protection of public health and safety and the environment, the operator shall ensure that landfill gas generation at a disposal site is controlled in such a manner as to satisfy the following requirements: (2) The concentration of methane gas migrating from the disposal site must not exceed 5% by volume in air at the disposal site permitted facility boundary or an alternative boundary approved in accordance with §20925.

As per Title 14 CCR Section 18365. Compliance Schedule.

(b) The compliance schedule must have the final compliance date within one year from the date of the inclusion letter. The enforcement agency may issue a compliance schedule for more than one year but not to exceed two years, after informing the executive director in writing. A one-year extension beyond two years may be made prior to the expiration of the two-year period upon approval by the executive director. The executive director shall report any such approvals or disapprovals to the board.

A copy of the *CalRecycle approval for extension letter* is enclosed. As with CalRecycle staff, LEA staff are encouraged with the efforts and progress reporting the owners/operators of the facility are putting forth to resolve the Notice and Order landfill gas migration violations.

John R. Thompson
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Our office concurs with CalRecycle on the granting of an extension of compliance schedule for remediation to be completed by October 13, 2013.

If you have any questions or concerns, please feel free to contact me at (559) 445-3271.

Sincerely,



Janet Gardner, R.E.H.S.
Environmental Health Specialist III
Environmental Health Division

JG

Enclosure

cc: Tim Casagrande, Environmental Health Director
Glenn Allen, Supervising Environmental Health Specialist
Lynn Smith, Department of Resources Recycling and Recovery (via e-mail)
Dane Johnson, California Regional Water Quality Control Board (via e-mail)
Belman/Cantu/Enunwa/Larkin, Department of Public Works and Planning
(via e-mail)



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

July 14, 2011

Tim L. Casagrande, Director
Fresno County Department of Community Health
Solid Waste Local Enforcement Agency
1221 Fulton Mall, Brix Bldg
PO Box 11867
Fresno, CA 93775

Subject: Request for Approval of a Twelve Month Extension of Compliance Schedule (Notice and Order 2010-01) for the American Avenue Landfill (Facility No. 10-AA-0009), Fresno County


Dear Mr. Casagrande:

I have received and considered your agency's June 30, 2011 request to extend the compliance schedule by an additional twelve months beyond the two year period previously granted by the Local Enforcement Agency (LEA) for the American Avenue Landfill, a facility on the Inventory of Solid Waste Facilities Which Violate Statement Minimum Standards. I hereby approve your request for the extension of the compliance schedule until October 13, 2013.

CalRecycle staff are encouraged by the corrective measures the owner/operator put forth since the issuance of the notice and order on November 2, 2010. Staff also commends the LEA for its continued diligence in pursuing that the violation is corrected and that full compliance with the applicable state minimum standard is achieved.

Thank you for your work in the matter of the American Avenue Landfill and in your commitment to partnership with CalRecycle staff. If you have further questions regarding this letter, please contact Ms. Georgianne Turner, Manager of the Solid Waste Enforcement Section at (916) 341-6429 or at georgianne.turner@calrecycle.ca.gov.

Sincerely,


Lorraine Van Kekerix, Branch Chief
Waste Evaluation and Enforcement Branch
Department of Resources Recycling and Recovery

cc: Janet Gardener, Fresno County LEA, via email, <jgardner@co.fresno.ca.us>

STIPULATED NOTICE AND ORDER
OF THE
DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH DIVISION
LOCAL ENFORCEMENT AGENCY

IN THE MATTER OF:

American Avenue Landfill)	STIPULATED NOTICE AND ORDER
18950 W. American Avenue)	No. 2010-01 Amended November 2, 2010
Kerman, California 93630)	
Facility No. 10-AA-0013)	Public Resources Code
)	Division 30, and
)	Title 27 California Code of Regulations
)	Division 2

TO: John R. Thompson
County of Fresno
Department of Public Works and Planning,
Resource Division
2220 Tulare Street, 6th Floor
Fresno, California 93721

BACKGROUND

On April 5, 2010 landfill gas monitoring results for monitoring wells GP-35, GP-36, GP-37, and GP-39 exceeded five percent methane. The monitoring wells have continued to exceed five percent methane through the current October readings. American Avenue Landfill submitted a Work Plan for Landfill Gas Migration Control dated May 28, 2010. The California Department of Resources Recycling and Recovery (CalRecycle) approved the work plan on June 29, 2010. A request for modification to the Work Plan was submitted (dated June 28, 2010). The modification included a request to consider "Emerging Technologies and Optional Design Considerations" and an updated *Proposed Remedial Action Compliance Schedule*. On October 22, 2010 our office received an updated *Proposed Remedial Action Compliance Schedule* which includes the use of piezo-penetrometer (PPT) installation/optimization.

Since the plan submittal, the operators have worked diligently on remediating the landfill gas migration by installing tie-ins to leachate risers and made adjustments to the LFG collection system. Adjustments to the flare's capability are also underway. LFG monitoring of the four wells is being conducted on a weekly basis. Surface monitoring was conducted on July 8, 2010 in the areas around the four monitoring wells to ensure the safety of the closest sensitive receptors. The surface monitoring results indicate 3 to 10 parts per million by volume (ppmv) methane.

CalRecycle issued a *Notice of Intent to Include American Avenue Landfill on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards* on July 6, 2010 in accordance with Public Resources Code (PRC) 44104. As stated in the Notice, if the violation is documented as corrected within 90 days of receiving the notice, the facility will

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not be included on the Inventory. Subsequently, on October 13, 2010 CalRecycle issued an Inclusion of American Avenue Landfill on the *Inventory of Solid Waste Facilities Which Violate State Minimum Standards*.

PLEASE TAKE NOTICE that this Agency has determined that the American Avenue Landfill, owned and maintained by the County of Fresno, Department of Public Works and Planning, Development Services Division is in violation of:

Title 27 CCR §20921 Gas Monitoring and Control

(a) To provide for the protection of public health and safety and the environment, the operator shall ensure that landfill gas generation at a disposal site is controlled in such a manner as to satisfy the following requirements:

- (2) The concentration of methane gas migrating from the disposal site must not exceed 5% by volume in air at the disposal site permitted facility boundary or an alternative boundary approved in accordance with §20925.

THEREFORE, PURSUANT TO PUBLIC RESOURCES CODE (PRC) DIVISION 30 AND CALIFORNIA CODE OF REGULATIONS, TITLE 27, DIVISION 2, CHAPTER 3, SUBCHAPTER 4, ARTICLE 6; YOU ARE HEREBY ORDERED TO:

Complete all remedial actions as indicated in the *Work Plan for Landfill Gas Migration Control* (dated May 28, 2010), modified on June 28, 2010, and updated with the *Proposed Remedial Action Compliance Schedule* dated October 22, 2010. (Copy of the October 22, 2010 update attached. (Copies of the *Work Plan* and *Modification* are on file at the County of Fresno, Environmental Health Division.)

Amendment:

In accordance with CCR Title 14 Section 18365. Compliance Schedule. (b) The compliance schedule must have the final compliance date within one year from the date of the inclusion letter. The enforcement agency may issue a compliance schedule for more than one year but not to exceed two years, after informing the executive director in writing Remediation of landfill gas migration shall be completed by October 13, 2012.

PLEASE TAKE NOTICE THAT PURSUANT TO PRC SECTIONS 45011, 45014, 45023, AND 45024, if the above actions are not completed or complied with by the specified dates, the Fresno County Department of Public Health, as the Local Enforcement Agency may:

- I. Impose administrative civil penalties in an amount not to exceed \$5,000 for each day on which a violation occurs, if compliance is not achieved in accordance with the time frames specified above. [PRC 45011]
- II. Petition the superior court for injunctive relief to enforce this Stipulated Notice and Order. [PRC 45014]
- III. Petition the superior court for civil penalties in an amount not to exceed \$10,000 for each day the violation occurs. [PRC 45023]

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Notice and Order Amended
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- IV. Any attorney authorized to act on behalf of CalRecycle or Local Enforcement Agency may petition the Superior court to impose, assess, and recover the civil penalties authorized by PRC Section 45023. [PRC 45024]

In the event the time frames for completion of the above specified activities cannot be adhered to due to adverse weather or other factors not in the control of the owner/operator, then the Local Enforcement Agency may extend the time frames based upon those specific factors provided by the owner/operator **IN WRITING**. Any such extension to the time frames or other amendments to this Stipulated Notice and Order shall be in the form of an Amended Stipulated Notice and Order.

Failure to remedy the aforementioned violations by the required dates may result in CalRecycle expending available funds to perform cleanup, abatement, or remedial work to protect public health and safety. The owner or operator of the solid waste facility shall reimburse the enforcement agency or CalRecycle for the amount expended. The amount expended shall be recoverable in a civil action by the Attorney General, upon request by the Local Enforcement Agency or CalRecycle. [PRC 45000]

Nothing in the Stipulated Notice and Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations. Notwithstanding compliance with the terms of this Stipulated Notice and Order, the owner and or operator may be required to take further actions as necessary to protect the public health, safety, and/or the environment.

The Local Enforcement Agency shall not be liable for injuries or damages to persons or property resulting from acts or omissions by the owner or operator or related parties in carrying out activities pursuant to the Stipulated Notice and Order. Nor shall the EA be held as a party to any contract entered into by the owner or operator or their agent(s) in carrying out activities pursuant to this Stipulated Notice and Order.

This Stipulated Notice and Order is supported by the accompanying declaration of Tim L. Casagrande.

This Stipulated Notice and Order does not relieve the owner or operator from complying with all other local, state, and federal requirements, nor does it preclude the Local Enforcement Agency or CalRecycle from taking any and all other actions allowed by law.

This Stipulated Notice and Order may only be amended in writing by an appropriate representative of the Local Enforcement Agency.

PLEASE TAKE NOTICE THAT:

Pursuant to Title 14 CCR Section 18304 (b)(8), the person or entity named in this Stipulated Notice and Order has the right to appeal this Stipulated Notice and Order to the Hearing Panel. [PRC 44307]

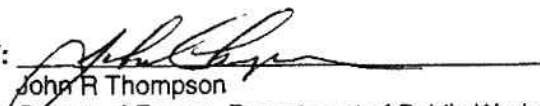
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A request for a hearing before the Hearing Panel must be filed **IN WRITING** within 15 days from the date of receipt of the Stipulated Notice and Order. [PRC Section 44310]

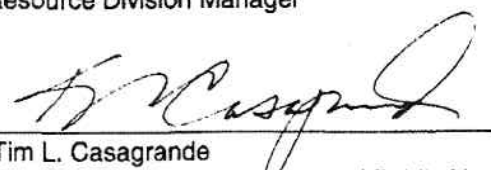
This Stipulated Notice and Order is issued as of the date set forth below.

Dated: November 2, 2010

OPERATOR / OWNER:

BY: 
John R Thompson
County of Fresno, Department of Public Works & Planning
Resource Division Manager

LEA:

BY: 
Tim L. Casagrande
County of Fresno, Department of Public Health
Director, Environmental Health Division

Cc: Edward L. Moreno, Director-Health Officer, Department of Public Health
Glenn Allen, Supervising Environmental Health Specialist
Janet Gardner, Environmental Health Specialist III
Patrick Snider, California Department of Resources Recycling and Recovery
Dane Johnson, California Regional Water Quality Control Board



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

EDWARD L. MORENO, M.D., M.P.H.

DIRECTOR-HEALTH OFFICER

October 27, 2010

FA0168785

PR0030443

PE4430

DECLARATION

IN THE MATTER OF:

**AMERICAN AVENUE LANDFILL
18950 W AMERICAN AVENUE
Kerman, California 93630**

**STIPULATED NOTICE AND ORDER
DECLARATION OF
TIM L. CASAGRANDE**

I, Tim L. Casagrande, declare under penalty of perjury that the following is true and correct:

1. I am duly employed as Director of Environmental Health, Fresno County Department of Public Health, Environmental Health Division.
2. The allegations of the foregoing Stipulated Notice and Order are known to me of my personal knowledge to be correct. This knowledge was obtained by a review of records on file at the Fresno County Department of Public Health, Environmental Health Division.

Executed at 1221 Fulton Mall, Fresno, California, 93721 on October 27, 2010.

Tim L. Casagrande, Director
Environmental Health Division

Dedicated to Public Health

1221 Fulton Mall / P.O. Box 11867, Fresno, California 93775 / (559) 445-3271/ FAX (559) 445-3301

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
Alan Weaver, DIRECTOR

October 22, 2010

Ms. Janet Gardner
Solid Waste Division
Community Health Department
1221 Fulton Mall
Fresno, CA 93721

Dear Janet:

SUBJECT: Proposed Remedial Action Compliance Schedule for Landfill Gas Migration Control American Avenue Disposal Site, **Facility No. 10-AA-0009**

This letter is written in response to an email sent by you on October 14, 2010 (enclosed). The email, in part, requests updated information and the expected compliance date for the subject facility. The American Avenue Disposal Site (AADS) is in violation of California Code of Regulations (CCR) Title 27 §20921, Gas Monitoring and Control.

The County of Fresno continues to propose the phased approach previously submitted and approved by CalRecycle (June 29, 2010) to remediate the landfill gas migration at AADS. The phased approach previously approved is comprised of the following:

- o Connection of Leachate Collection and Recovery System (LCRS) to the Landfill Gas Collection and Control System (LFGCCS). This task has been completed. However, during the optimization process it was discovered that the burners for the flare need replacement to operate the flare within the designed parameters for burner pressure. Replacement burners have been ordered from the manufacturer of the flare, John Zink.
- o If LCRS connection/optimization does not remediate the landfill gas (LFG) migration; proceed with remedial focused source control using piezo-penetrometer test (PPT) profiling, push in collector installation. PPT is the emerging technology and optional design consideration the County chose to pursue.
- o If PPT installation/optimization does not remediate the LFG migration; proceed with the initial Soil Vapor Extraction System (VES) remedial design and installation.
- o If initial VES installation/optimization does not remediate the LFG migration; proceed with full build out of the VES.

If any implemented phase is successful in remediating the LFG migration; the County will not proceed with the approved subsequent phase(s). The County proposes the following remedial action compliance schedule for the approved phases listed:

(see next page)

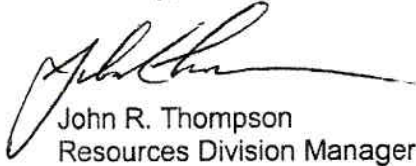
Proposed Remedial Action Compliance Schedule

Action	Anticipated Start Date	Anticipated Completion date
Monthly submittal of CH ₄ readings for GP-35, GP-36, GP-37 and GP-39 gas monitoring probes to LEA.	11/1/10	Upon CH ₄ readings of \leq 5% for GP-35, GP-36, GP-37 & GP-39
Order flare burners from John Zink.	10/08/10	12/01/10
Flare burner installation.	12/01/10	12/08/10
Increase available well field vacuum, optimize and evaluate well field.	12/08/10	05/07/11
If required, prepare and submit remedial action for focused source control using piezo-penetrometer test (PPT) profiling, push in collector installation to LEA/CalRecycle for approvals.	05/07/11	06/21/11
Obtain approvals from LEA/CalRecycle for focused source control using piezo-penetrometer test (PPT) profiling, push in collector installation.	06/21/11	07/21/11
Conduct PPT focused source control profiling with push in collectors and connect to existing LFGCCS.	07/21/11	08/20/11
Optimize and evaluate well field with additional PPT collectors.	08/20/11	01/17/12
If required, prepare and submit plans, specifications and estimates (PS&E) for the initial vapor extraction system (VES) as conceptually presented in the approved Work Plan for Landfill Gas Migration Control to LEA/CalRecycle for approvals.	01/17/12	05/01/12
Obtain approvals from LEA/CalRecycle for initial VES.	05/01/12	05/31/12
Issue bid documents, advertise and award contract for the construction of the VES.	05/31/12	10/28/12
Construct VES (weather permitting).	10/28/12	02/25/13
Optimization and evaluation of VES.	02/25/13	07/25/13
If required, prepare and submit PS&E for the full build out vapor extraction system (FVES) as conceptually presented in the approved Work Plan for Landfill Gas Migration Control to LEA/CalRecycle for approvals.	07/25/13	11/07/13
Obtain approvals from LEA/CalRecycle for FVES.	11/07/13	12/07/13
Issue bid documents, advertise and award contract for the construction of the FVES.	12/07/13	05/06/14
Construct FVES (weather permitting).	05/06/14	11/02/14
Optimization and evaluation of FVES.	11/02/14	04/01/15

(see next page)

If there are any questions regarding this proposal, contact Curtis Larkin at 559.262.4259 or clarkin@co.fresno.ca.us . Thank you for your assistance in this matter.

Sincerely,



John R. Thompson
Resources Division Manager

JT:CL
G:\4360Resources\Disposal Sites\Geology & Regulatory Compliance\Working Documents\AA\2010\October\AADS Proposed Remedial Action
Compliance Schedule.doc
10/22/10

Enclosure

c: Glenn Allen, County of Fresno, Dept. of Community Health
Stephanie Young, CH2M Hill
Herb Cantu, County of Fresno, Dept. of Public Works and Planning
Curtis Larkin, County of Fresno, Dept. of Public Works and Planning
Steve Peck, County of Fresno, Dept. of Public Works and Planning

